

STATE OF ILLINOIS
COUNTY OF C O O K

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff,

-vs-

FILM RECOVERY SYSTEMS CORPORATION,
et al.,

Defendants.

EPA Region 5 Records Ctr.



358565

NO. 83 CH 3812

RECEIVED
JUL 22 1983

AGREED ORDER

WASTE MANAGEMENT
BRANCH

NOW COME Plaintiff, People of the State of Illinois,
by Neil F. Hartigan, Attorney General of the State of Illinois,
and Defendants Film Recovery Systems Corporation, Metallic
Marketing Systems Corporation, Livco, Inc., Eagle Trailer, Inc.,
Trailers Unlimited, Inc., HBE Trailer Corporation, American
Interstate Leasing, Inc., J. Fiorito Leasing Company, Flexi-
Van Leasing, Inc., J's Mobile Semi-Tailer Repair, Inc., Red Devil
Manufacturing Company, Inc., Alden's, Inc., and First Industrial
Corporation, by their respective counsel and hereby agree and
stipulate to the entry of the following order:

1. All action taken pursuant to this order shall be
under the supervision of the Illinois Environmental Protection
Agency, the United States Environmental Protection Agency, and
Cook County Department of Environmental Control.

2. PetroChem Services, Inc., is designated contractor
to perform all actions pursuant to this order.

3. At all Chicago area trailer locations, identified on attachment A hereto, PetroChem shall as expeditiously as possible, beginning no later than May 26, 1983:

- a. Unload all cyanide chips from trailers;
- b. Chemically detoxify all chips at each trailer site;
- c. Chemically decontaminate each trailer;
- d. Certify that each site has been decontaminated and all chips are detoxified;
- e. Upon certification by PetroChem and Illinois Environmental Protection Agency that the chips are detoxified, and the trailers have been decontaminated, replace all chips in the decontaminated trailers.

4. At the Dixon site, identified in Attachment B hereto, PetroChem shall as expeditiously as possible, beginning no later than May 26, 1983:

- a. Chemically detoxify all chips at the Dixon site;
- b. Chemically decontaminate all buildings at the Dixon site;
- c. Certify that the Dixon site and all chips have been decontaminated and detoxified;
- d. Upon certification by PetroChem and Illinois Environmental Protection Agency that the chips are detoxified and the Dixon site has been decontaminated, replace all chips in the decontaminated buildings.

5. The following trust funds are established under supervision of the Court:

- a. A fund containing \$180,000 which will immediately be paid by Defendant Film Recovery Systems Corporation. Thomas Royce, Esq., is appointed trustee without fee.
- b. A fund containing \$70,000 for which John Morrison, Esq., is appointed trustee without fee. Defendant trailer companies, Livco, Inc., Eagle Trailer, Inc., Trailers Unlimited, Inc., HBE Trailer Corporation, American Interstate Leasing, Inc., J. Fiorito Leasing Company and Flexi-Van Leasing, Inc. shall, no later than 24 hours prior to the date that the work specified in ¶3 hereof takes place as to each respective party listed in this ¶5 b, shall pay into this fund a pro rata share of the total \$70,000 based on the ratio that the contaminated trailers for which each party, listed in this ¶5 b is responsible, bears to the total number of contaminated trailers, including those leased by Gemini Leasing Company, which is not a party to this agreed order.
- c. A fund into which will be paid all proceeds of any sale of detoxified chips. No money will be expended from the fund without order of court. This fund will be available for, but not limited to claims and cross-claims of any party hereto, including security costs and penalties or other uses as the equities may require and as the Court may direct. Thomas Royce, Esq., is appointed trustee without fee.

6. Defendants under supervision of Illinois Environmental Protection Agency may take and retain approximately one pound of contaminated chips per trailer for evidentiary purposes.

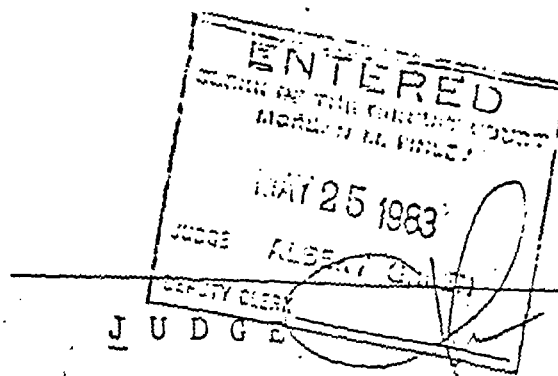
7. Any money recovered from Defendant Bil-Mac Express, Inc., may be used to reimburse Defendants pro rata for money placed in the fund set up in paragraph 5 (b).

8. The Illinois Environmental Protection Agency shall maintain security at all sites until such time as it has been determined that they are decontaminated.

9. The time within which all parties to this agreed order must move, answer or otherwise plead is extended to June 30, 1983.

10. This order shall remain in full force and effect until further order of the Court.

ENTER:



DATED: May 25, 1983.

ATTACHMENT A

Chicago area trailer sites:

1. Eagle Trailer Inc.
7710 West 57th Street
Summit, IL
2. Livco, Inc.
6700 West 103rd Street
Chicago Ridge, IL
3. Trailers Unlimited
8765 West Joliet Road
McCook, IL
(J's Mobile Semi-Trailer Repair)
4. American Interstate Leasing, Inc.
5000 West Roosevelt Road
Chicago, IL
(Aldens, Inc.)
5. J. Fiorito Leasing
3739 North Podlin
Franklin Park, IL
6. J. Fiorito Leasing
5995 North River Road
Rosemont, IL
(Red-Devil Manufacturing)
7. Flexi-Van Leasing
2200 Higgins Road
Elk Grove Village, IL
(General Diesel)
8. HBE Trailer Corporation
15W580 Frontage Road
Hinsdale, IL
9. Gemini Leasing
6201 South East Avenue
Hodgkins, Illinois

ATTACHMENT B

Dixon site:

Building 107 and 115
Green River Industrial Park
Route 40
Dixon, IL